

## EXHIBIT 508

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4

5 -----) MDL No. 2804  
6 IN RE NATIONAL PRESCRIPTION )  
7 OPIATE LITIGATION )  
8 ) Case No. 17-md-2804

9 This document relates to: )  
10 All Cases )  
11 -----) Hon Dan A. Polster

12  
13 HIGHLY CONFIDENTIAL  
14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
15

16 The 30(b)(6) videotaped deposition of  
17 ALLERGAN by and through MARY WOODS, called for  
18 examination, taken pursuant to the Federal Rules of  
19 Civil Procedure of the United States District Courts  
20 pertaining to the taking of depositions, taken before  
21 JULIANA F. ZAJICEK, a Registered Professional Reporter  
22 and a Certified Shorthand Reporter, at Lieff Cabraser  
23 Heimann & Bernstein, 8th Floor, 250 Hudson Street, New  
24 York, New York, on January 9, 2019, at 9:10 a.m.

1 policy at this point.

2 Q. Oh, okay.

3 A. Okay. It is a document that they wrote,  
4 but I don't see that this is actually turned into a  
5 policy.

6 Q. All right. Do you remember if this ever  
7 became a policy?

8 A. I don't see this in a policy form. I'm  
9 not aware if it did or didn't. I think that this was  
10 something that they may have been intending, but I  
11 think we would have to ask -- ask Tom that question,  
12 because this is something that they documented.

13 Q. All right. With regard to the procedures  
14 that's laid down here, can you point out where in here  
15 a -- an order could pend but not become an order of  
16 interest?

17 A. I think we have that in our operational  
18 procedures which they review.

19 Q. Okay. Do you know whether that procedure  
20 is in the compendium of documents that you -- you gave  
21 to me today?

22 A. Yes.

23 Q. Okay. Where -- where is it?

24 A. Let me just verify and then I will tell

1     you.

2           Q.     Yep.

3           A.     Tab 17.

4           Q.     All right. And can you -- as you are  
5 looking through Tab 17, I'll read into the record  
6 that -- we'll make it Exhibit 17, and it's part of the  
7 compendium of documents submitted as Exhibit 25, and  
8 for the record, Exhibit 17 is Allergan\_MDL\_03750135  
9 through 146. And...

10          A.     And if you'll give me a minute.

11          Q.     Right, sure.

12          A.     So if you want to turn to Page 7.

13          Q.     All right.

14          A.     It starts there and then it goes to  
15 Page 9. And it talks on Page 9. So if you look about  
16 the fifth paragraph, one, two, three, four, fifth  
17 paragraph down on Page 9:

18                 "Once the SOMS form is confirmed and  
19 verified, the MDA will release the SOMS violation  
20 block, otherwise the MDA" -- that's master data  
21 administrator -- "will escalate the order of interest  
22 to the DEA Affairs department for review and feedback.  
23 If DEA Affairs determines the order of interest needs  
24 to be communicated to the DEA, then DEA Affairs will

1 contact the DEA."

2 Q. So under this policy, which of the bullet  
3 points that appear above the paragraph that you just  
4 wrote are conditions under which a pending order could  
5 be released prior to it being sent to the DEA Affairs  
6 department?

7 A. So, everything on Page 8, all of that  
8 needs to occur, so all of the investigation needs to  
9 be done.

10 Q. Okay.

11 A. Once all of the investigation is done,  
12 once this -- and the SOMS form is confirmed and  
13 verified, they can release that. So they have to go  
14 through that entire process.

15 Q. All right. With regard to the bullet  
16 points that appear above that paragraph that you  
17 just wrote -- or you just read, let me -- is there --  
18 let me start over.

19 With regard to the bullet points that  
20 appear above the paragraph you just read on Page 9 of  
21 Exhibit 17, is there a situation under which  
22 reassurance from a Actavis employee could be the sole  
23 reason for an order to be cleared of a suspicious  
24 order monitoring system pending?

1           A.       I'm -- I'm sorry. I don't think I quite  
2 understand.

3           Q.       So could the -- the impressions or  
4 perceptions of a -- of an Actavis employee be the sole  
5 reason that a -- a suspicious order could be removed  
6 from the pending list?

7           A.       I wouldn't say impressions. I would say  
8 factual information provided and backup documentation  
9 of those facts, but not impressions.

10          Q.       So is it your impression as you sit here  
11 today that backup documentation materials would be  
12 required to remove any pending order from a pending  
13 order list under this procedure that's listed in  
14 Exhibit 17?

15          A.       Yes.

16          Q.       All right. If there were no backup  
17 documentation provided, what would the typical process  
18 be with regard to the acceptance or non-acceptance of  
19 a assertion by an Actavis employee?

20          A.       If there was no information available, no  
21 justification, the order would not be accepted.

22          Q.       And when you say information and  
23 justification, just so we are clear, that's  
24 information and justification beyond a -- a assurance

1 without further backup by an Actavis employee, is that  
2 right?

3 A. What I am stating is that we have to have  
4 backup information, additional information  
5 justification. If that did not exist or we couldn't  
6 get that information, then the order would be  
7 cancelled. We would not accept that order.

8 Q. Okay. And would that -- could the backup  
9 and justification be based on a -- just a verbal or  
10 e-mail reassurance by an Actavis employee standing  
11 alone?

12 A. No, it couldn't be from another Actavis  
13 employee.

14 Q. Okay. All right.

15 A. Or let me -- let me correct that.

16 One of the tools might be that there was a  
17 market shortage on a particular product --

18 Q. Uh-huh.

19 A. -- so there were different elements of  
20 items that we had to gather in order to have  
21 justification. It could be an e-mail stating that  
22 there was a market shortage on a product, which means  
23 we were supplying the product and hadn't been before,  
24 that could be a justification from a Watson

1     Pharmaceuticals or Actavis, Inc. employee that we  
2     would have had as backup.

3             Q.     Okay.

4             A.     Is that -- that -- that could be an  
5     employee inside of the company providing the  
6     justification.

7             Q.     Any other situations that you can see?

8                     And where is the market share -- sorry.

9             A.     Could be a -- it could be a customer that  
10    has a new product added to a contract that we would  
11    get that information from the contracts team.

12            Q.     Uh-huh.

13            A.     It could be a new product launch, we would  
14    get that information. I think in just general it says  
15    that we would contact other teams for information, so  
16    that would be something we would do internally to  
17    understand what was going on in the market.

18            Q.     Where is the language that you say  
19    "contacting other teams"?

20            A.     It just says "some of the tools used  
21    during analysis."

22            Q.     Okay. And so your impression from reading  
23    that language that's on Page 8, and it's Bates  
24    number 142, and those sub paragraphs leaves you to



1 believe that some orders could be removed from the  
2 pend list based on either written or verbal assurances  
3 without documentational backup?

4 A. I don't think verbal.

5 Q. Okay.

6 A. There would always be documentation. Your  
7 question was could it be another Actavis employee.

8 Q. Yes.

9 A. That sent an e-mail, not verbal.

10 Q. So based on the representation of another  
11 Actavis employee, pending orders could be released?

12 A. If it was the correct related information,  
13 yes, not just you are free to release this.

14 Q. Okay.

15 A. That would not suffice.

16 Q. And is that -- is -- is what you are  
17 saying listed anywhere here in particular or is it  
18 your impression based on reading this information?

19 A. It is not my impression. I know what the  
20 process was and it states, you know, some of the tools  
21 used during the analysis, which means that that's not  
22 all inclusive.

23 Q. All right.

24 A. They would make sure to do a thorough

1 investigation. So these would be tools that they used  
2 and if they had other tools they needed to use, they  
3 would do that.

4 Q. All right. Do you remember a -- whether  
5 there was ever training or discussion of the total  
6 scope of the tools that were available to the people  
7 analyzing pending orders under this policy?

8 A. Yeah, these people went through  
9 significant training annually.

10 Q. So as part of that training, do you  
11 remember whether the -- the written e-mail evidence  
12 that you are talking about was made known to the  
13 people being trained as --

14 MS. LEVY: Object to the form.

15 BY MR. EGLER:

16 Q. -- acceptable evidence for removing an  
17 order from the pending list?

18 A. They kept all of the backup documentation  
19 with the approval and knew exactly what they needed to  
20 have to release an order.

21 Q. All right. But do you remember whether  
22 the training ever included the ability to release an  
23 order based on an e-mail representation from an  
24 Actavis employee?

1           A.     I -- if you are asking me to recall off  
2     the top of my head, I probably can't recall off the  
3     top of my head.

4           Q.     In your preparation for the deposition  
5     today, did you ever come across a document that said  
6     that it was the policy of Actavis that an order could  
7     be removed from a pending order list based on an  
8     e-mail representation of an Actavis employee?

9           A.     I don't know if we saw anything that  
10    specific. I know we reviewed the policies.

11          Q.     And in reviewing of all of the policies  
12    that you saw, was there ever a policy that said  
13    anything to the effect of that -- affirmatively said  
14    anything to the effect that an e-mail from another  
15    Actavis employee was all that was required to release  
16    an order from the pending list?

17          A.     And are we -- are we talking about  
18    Actavis Inc. now or Actavis, Inc.?

19          Q.     Any of the policies that you looked at,  
20    whether at Watson, Actavis Inc. or Actavis, Inc.

21          A.     I don't recall.

22          Q.     So you don't recall seeing that one way or  
23    the other?

24          A.     I do not.

1           Q.     All right. Do you think that would have  
2     been something that would have been written down, if  
3     that was specifically affirmatively part of the  
4     policy?

5           A.     I think the policy would have stated that  
6     backup documentation is required to release any order.

7           Q.     All right. And does it say that the  
8     backup -- that backup documentation includes an e-mail  
9     representation by another Actavis employee?

10          A.     I don't think it would be that specific.  
11     I think it would be specific that all backup  
12     documentation is to be attached to the order before  
13     releasing.

14          Q.     And as you are sitting here today, do you  
15     consider the backup documentation to include an e-mail  
16     representation from another Actavis employee?

17          A.     I would say it should be -- I would say  
18     any documentation received would be part of that  
19     backup documentation. I'm not being specific about  
20     what it is because I don't know what they would have  
21     received for a particular order.

22          Q.     All right. All right.

23                    So, with regard to this -- with regard to  
24     the language that you were just pointing me to on

1 Pages 8 and 9 of this Exhibit 17, can you turn to  
2 Page 7 of this document, and it says: "C-II schedule  
3 drugs and SOM blocks."

4 Do you see that there?

5 A. I do.

6 Q. So, with regard to this issue that  
7 you're -- that we were just discussing, is this a -- a  
8 policy that only applies to Schedule II controlled  
9 substance drugs?

10 A. No. Specifically right underneath it  
11 says: "SOMS, Suspicious Order Monitoring System (of  
12 Control Drug Substances)."

13 Q. So on the -- the line there that says  
14 No. 9, the C-II scheduled drugs, how does that limit,  
15 if at all, the -- the language that's listed below?

16 A. It doesn't.

17 Q. All right. So why -- do you have a  
18 understanding as to why that is listed there as C-II  
19 scheduled drugs?

20 A. I don't know today why it would have been  
21 listed that way. I think people sometimes  
22 misunderstand that C-III through Vs are, so I think we  
23 specifically listed out C-IIIs and SOMS blocks, and  
24 then listed of controlled substances -- controlled

1 drug substances so people would not be confused --

2 Q. Okay.

3 A. -- that C-IIs are the only drugs.

4 Q. All right.

5 All right. You can set this document  
6 aside for now and...

7 All right. Could you look at what's in  
8 the compendium that you provided today at Exhibits 15  
9 and 16, and I'm going to ask you a question and then  
10 you can look through them.

11 The -- the question is: Can you tell me  
12 the -- the difference between the two documents, 15  
13 and 16? And as you are doing that, I'm going to read  
14 into the record, it's Allergan\_MDL\_06 -- I'm sorry --  
15 01684748 through 4752. And then 16 is All --  
16 Allergan\_MDL\_01979834 through 9838.

17 And before you start answering it, I'm  
18 just going to make for the record that 15 and 16 are  
19 part of the compendium of exhibits that's marked as  
20 25.

21 Okay. Go ahead.

22 A. So, I'll -- I'll help you with this to the  
23 best of my ability. This is Actavis Inc.

24 Q. So when you say it's Actavis Inc., this is